

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

John Kelley, et al.

Plaintiffs,

v.

Alex M. Azar II, et al.,

Defendants.

Case No. 4:20-cv-00283-O

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR
PLAINTIFFS TO RESPOND TO MOTION TO DISMISS**

The plaintiffs respectfully move for a two-week extension of time to file their briefs in response to the defendants' motion to dismiss (ECF No. 20). The response is currently due on Friday, August 28, 2020. The proposed extension, if granted, would move the deadline to Friday, September 11, 2020.

Plaintiffs' counsel has begun working on the response and has made considerable progress. Nevertheless, the lead counsel for the plaintiffs, Jonathan F. Mitchell, who is researching and drafting the response, has numerous briefing deadlines and courtroom appearances scheduled for the next two weeks that will make it difficult for him to complete the response before August 28, 2020. Those include:

- A reply brief in support of class certification in *Vita Nuova v. Azar*, No. 4:19-cv-00532-O (N.D. Tex.), due on August 13, 2020
- An opening appellate brief in *FASORP v. New York University*, No. 20-1508 (2d Cir.), due on August 14, 2020
- An in-person courtroom hearing in *Umpfress v. Hall*, No. 4:20-cv-00253-P (N.D. Tex.), scheduled for August 14, 2020, at 9:00 A.M.
- An appellate reply brief in *Allen v. Santa Clara County Correctional Peace Officers Ass'n*, No. 19-17217 (9th Cir.), due August 19, 2020

- A motion for summary judgment in *Hoekman v. Education Minnesota*, No. 0:18-cv-01686-SRN-ECW (D. Minn.), due August 21, 2020
- A motion for summary judgment in *Piekarski v. AFSCME Council No. 5*, No. 0:18-cv-02384-SRN-ECW (D. Minn.), due August 21, 2020
- An opening appellate brief in *Ridings v. Boehringer Ingelheim Pharmaceuticals, Inc.*, No. 20-1824 (8th Cir.), due August 24, 2020
- An in-person courtroom hearing in *Deanda v. Azar*, No. 2:20-cv-00092-Z (N.D. Tex.), scheduled for August 24, 2020, at 10:00 A.M.
- A response to a motion to dismiss in *The Doris Behr 2012 Irrevocable Trust v. Johnson & Johnson*, No. 3:19-cv-08828-MAS-LHG (D.N.J.), due August 25, 2020

By contrast, Mr. Mitchell's schedule during the weeks of August 30, 2020, and September 6, 2020, is currently free of any briefing deadlines or scheduled courtroom appearances, which will enable him to devote his full attention to the numerous and complex issues presented in the defendants' motion to dismiss. We have consulted with counsel for the defendants and they are unopposed to this motion.

CONCLUSION

The plaintiffs' unopposed motion to extend time for filing the response to the defendants' motion to dismiss should be granted.

Respectfully submitted.

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Dated: August 11, 2020

Counsel for Plaintiffs

CERTIFICATE OF CONFERENCE

I certify that I have conferred with Christopher M. Lynch, counsel for the defendants, and he informed me that the defendants are unopposed to this motion.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on July 10, 2020, I served this document through CM/ECF upon:

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